Completing Form D 1-5A: Amended Complaint for Divorce
[With Minor Child/ren] 7/29/2005
[You will remove these instruction pages before filing.]

IDAHO COURT RULES
IDAHO RULES OF CIVIL PROCEDURE

Rule 15(a). Amended and supplemental pleadings - Amendments.
A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within twenty (20) days after it is served. Otherwise a party may amend a pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires, and the court may make such order for the payment of costs as it deems proper. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten (10) days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

Talk to an Attorney, if Possible.
Warning: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. We always recommend you talk to a lawyer about your problem before filing your paperwork. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the Idaho State Bar Lawyer Referral Service (208-334-4500) for the name of an attorney in your area who will provide an initial half-hour consultation for $35. Contact the Court Assistance Office for information about resources for low-income people.

Note: If you want the court to order different grounds for the divorce or if you want to request spousal maintenance (alimony), you should contact an attorney. Because of their complexity, the Court Assistance Office forms do not deal with these issues and possibly others you may want to discuss with an attorney.

You will be signing a sworn statement that you have read the complaint, know what it says, and believe it's true. To guarantee the truthfulness of that statement, be sure to read the entire completed form.

Instructions

Fill in the forms by typing or by printing neatly and legibly in **black ink.** Always keep a copy of the completed form for your records.

At the top left-hand corner of page 1, you will fill in your full legal name, mailing address and telephone number.
The Court Heading. Fill in the county and judicial district in capital letters (for example, "In The District Court Of The Fourth Judicial District, In And For The County Of Ada").
The Caption. Fill in Your Full Legal Name on the line above Plaintiff and Your Spouse's Full Legal Name on the line above Defendant.
The Case No. The case number will be assigned by court personnel when you file the Complaint. You should write in the case number on all other documents.
The **Court Heading, Caption** and **Case Number** will be the same on all other documents you prepare for this case.

1. Residence of the Parties.
You must have lived in Idaho for at least six weeks. Fill in the state where your spouse lives.

2. Marriage of Parties.
Fill in the city and state (or country if you were married outside the USA) and the month, day and year of your marriage.

3. Grounds for Divorce.
This paragraph states the reason for the divorce is irreconcilable differences. If you want to state other grounds for the divorce, you should talk to an attorney.

4. Minor Child/ren of the Parties.
Fill in the name and date of birth for each minor child and the city and state where each child has lived for the last five years.

WARNING: If any of your children have not resided in Idaho for at least six uninterrupted months before the filing of the Complaint (or for their entire lives if they are less than six months of age), the Idaho court may lack authority ("jurisdiction") to determine custody of that child. In that event you should talk to an attorney to determine if there may be other grounds for jurisdiction under Idaho's laws.

- Check the first box if Wife is NOT now pregnant **or**
- Check the second box if Wife IS now pregnant with Husband's child **and**
    - Fill in the expected date of birth for the child. *(A Modification will need to be filed after the birth of the child to establish custody and child support.)*

5. UCCJEA Jurisdiction.
You are required to let the know if there have been any other cases involving your child/ren in any other court or if there are any other people claiming custody or visitation rights with the child/ren. **In paragraphs 5a, b, c and d,** check the appropriate box and fill in all requested information.

6. Legal Custody. *"Joint legal custody"* means the parents are required to share the decision-making rights, responsibilities and authority relating to the health, education and general welfare

of the child/ren. The court will award joint legal custody unless you can prove it would not be in the best interest of the minor child/ren for the other parent to share the decision-making rights.

- Check the first box if both parents are fit persons to share the decision-making rights, responsibilities and authority relating to the health, education and general welfare of the child/ren, **or**
- Check the second box if you are declaring that one parent should have sole legal custody of the child/ren, **and**
  - Write in the name of the parent who should be awarded sole legal custody **and**
  - State why the other parent should NOT be allowed to share legal custody.

7. Physical Custody.

"Joint physical custody" means each parent has significant periods of time in which a child resides with or is under his/her care and supervision. Joint physical custody assures the child/ren frequent and continuing contact with both parents but does not necessarily mean the child spends exactly the same amount of time with each parent. The court will award joint physical custody unless you can prove it would not be in the best interest of the minor child/ren.

- Check the first box if both parents should be given physical custody of the child/ren **and**
  - Complete the **Parenting Plan.** (Both parents may sign the Parenting Plan, but it is not required.) Write **Exhibit A** on the bottom of the first page of the Parenting Plan and attach (staple) it to the Complaint. **IMPORTANT: A copy of the Parenting Plan must be attached to make it a part of the Complaint.** (The original copy of the Parenting Plan will be attached (stapled) to the Decree of Divorce.) **or**
- Check the second box if you are asking the court to award sole physical custody of the child/ren to only one parent **and**
- Write in the name of the parent who should be awarded sole physical custody **and**
- State why the other parent should NOT be given periods of time when the child/ren resides with or is under his/her care and supervision.
  - If you want the court's order to give the other parent restricted or conditional time with the child/ren, write in the parent's name **and** write in the terms and conditions of the other parent's time with the child/ren.

8. Child Support.

<u>If there is already an order signed by a judge</u>, for example in a case filed by the Department of Health & Welfare, that sets the correct amount of child support, check the first box.

- Make a copy of that Order, mark it as **Exhibit B** and attach (staple) it to this Complaint**.** ***WARNING:*** You should be aware that jurisdiction as to child support is a complicated issue and you should seek the advice of an attorney with respect to continuing jurisdiction and venue if the child support order was issued in a different county than the one where you will be filing the Divorce. **or**

<u>If there is NOT a child support order</u>, check the second box.

You will first need to complete an Affidavit Verifying Income and a Child Support Worksheet. A Court Assistance Officer will be able to help you generate these documents if you provide the required information. The Child Support Worksheet will be used to complete this section.

- Write in the name of the parent who will pay child support and the total monthly amount (the base amount of support plus or minus any adjustments). Adjustments may include a pro rata sharing of work-related childcare, medical, dental, and/or optical insurance premiums, and/or tax benefits. ***Note:*** Section 8 of the Idaho Child Support Guidelines addresses these adjustments.
  - Fill in the Base Amount of child support.
  - Check the appropriate boxes and fill in the amount of any adjustments.
- If you have more than one minor child, check the box. You will need to have a separate calculation to reflect the changed amount of support as each child is no longer eligible for support under Idaho law. Fill in the total amount of child support, as calculated according to the Idaho Child Support Guidelines.
- Attach your Affidavit Verifying Income and Support Worksheet(s) to the Complaint, marking each as **Exhibit B**.

Extended Visits. If the child/ren lives in the home of one parent at least 75% of the time, you can adopt either or both of the next two paragraphs of the form. If the child/ren spends more than 25% of the overnights in a year with each parent (shared physical custody), put N/A in the boxes.

- If you selected the first paragraph, indicate how much the support payment will be reduced by either checking the box for 50% or filling in your own percentage.
- If you have more than one child, check the box to select the next paragraph.

WARNING: If you are the parent paying child support (the "obligor") you should be aware the Order will provide for collection of child support from your wages and from your real estate or personal property. The Order will also provide that if you move to another state, the child support can be enforced directly by courts in other states. Additionally, you should be aware that, according to Idaho law, if unpaid child support equals or exceeds the total support owing for ninety (90) days or the sum of $2,000, whichever is less, you are subject to suspension of any license to practice or engage in any business, occupation or profession, operate a motor vehicle, carry a concealed weapon, or engage in any recreational activity, including hunting or fishing. Further, the State Tax Commission will withhold and set-off any state tax refund to collect any unpaid child support, or unpaid spousal support, and the Idaho State Lottery will likewise withhold and set-off a prize of a lottery prize-winner.

8. Medical Insurance.

Check the first, second or third box to indicate how health insurance coverage for the child/ren is now being provided. If you selected the first paragraph, write in the name of the parent(s) currently providing health insurance.

In the fourth paragraph write in the percentage to be paid by each parent, based on each of your Guidelines income percentage. (These percentages are determined when calculating the child support. Refer to the Child Support Worksheet).

WARNING: The Order will provide: Failure to provide medical insurance coverage may result in the direct enforcement of a medical support order by either the obligee (party or parent

other than the parent ordered to carry or provide a health benefit plan for the parties' minor child/ren) or the Department of Health and Welfare. A national medical support notice will be sent to your employer, requiring your employer to enroll the child in a health benefit plan as provided by Sections 32-1214A through 32-1214J, Idaho Code, and applicable rules of the department.

10. Health Care Costs Not Paid by Insurance.
Write in the percentage to be paid by each parent based on their Guidelines income.

11. Work-Related Child Care Costs.
Check the box. If you did not figure these expenses in your child support calculation:

- Fill in the percentages each parent will pay.
- Check the box <u>if both parents will pay the care provider directly.</u>

12. Income Tax Exemption.
Write in the blank the parent who will claim each child as a dependent on their income tax return(s). ***Note:*** The child support calculation must reflect the same designation.

13. Wife's Child/ren of Another Relationship.
Complete this paragraph if any child/ren born or conceived during the marriage was not fathered by the Husband.

Paragraphs 14, 15 and 16

WARNING: The rules of separate property (owned by only one of you) and community property (owned by both of you) can be extremely complex and technical. The following general principles may not apply to your situation. For example, some separate property may have been improved with community funds (or vice versa). Also, interest or other income from separate property is considered to be community property. If you have a lot of property or have any questions about whether it is separate or community property, <u>please talk to an attorney</u>.

Separate property is property either of you owned before the marriage or received during the marriage by gift or inheritance or in exchange for other separate property.

Community property is property acquired by one or both of you during the marriage unless the property was given to either of you separately as a gift, inheritance or in exchange for other separate property.

Real property or real estate is land with or without buildings. If the property you list is real estate, include legal descriptions from the deeds to the property. It is important that your description be exactly the same as that in the deed. If the legal description is lengthy, you may want to photocopy the deed, cut out the legal description and paste it on a separate sheet of paper to use as an exhibit. Attach the exhibit to the Complaint and refer to the exhibit in the Complaint.

Personal property is all property that is not real estate. Personal property includes furniture, clothing, vehicles, cash, bank accounts, securities and debts owed to you. It also includes retirement accounts; but, if either of you have retirement accounts you definitely should talk to an attorney before proceeding.

14. Separate Property.

- If you do not want any order about ownership of separate property, check the first box.
- If you want the court to order that specific separate property belongs to the Husband and/or an order that Husband's separate property, now in the possession of the Wife, be returned to the Husband, check the second box and describe the property in the first section of **Exhibit C**.
- If you want the court to order that specific separate property belongs to the Wife and/or an order that Wife's separate property, now in the possession of Husband, be returned to the Wife, check the third box and describe the property in the first section of **Exhibit D**.

15. Community Real Property.

- If you have not acquired community real property during the marriage, check the first box.
- If you have acquired community real property during the marriage, check the second box **and**
  - Fill in the residential address of the property (house number and street name),
  - The name of the city and county, and
  - The legal description for the property (use the legal description in the deed).

Disposition of Real Property. A ***"lien"*** is a legal right or interest that a creditor has in another's property (for example the mortgage loan). The mortgage loan and any other lien against the property should be listed in the Debt Section of the Complaint. We recommend you discuss your mortgage loan or any other lien on your property with your lending institution or lien holder and talk to an attorney before proceeding. As long as both of your names are on the loan, you will both continue to be responsible for payment until the loan is paid in full. If the payment isn't paid by the one assigned to make it, the creditor may collect from either of you. Also, if the property is foreclosed, both of you could be held responsible for any deficiency in paying off the loan after foreclosure sale. **"Equity**" is the difference between the value of the property and all encumbrances (liens) upon the property.

- Check one of the first three boxes to indicate what will be done with the community real property and any equity, and fill in the blanks **or**
- Check the fourth box and write in your own words what will be done with the property and any equity in the property.

Note: If the amount of the equity payment is large and will be spread out into periodic payments, you should talk to an attorney about the right way to insure the payments are made.

16. Community Personal Property.

- If you have not acquired any community personal property, check the first box **or**
- If you have already divided your community personal property and each of you has the property in your possession, check the second box **and/or**
- If you want the court to order that specific property be given to the Husband and the property is already in Husband's possession, check the third box and list the property in the second section on **Exhibit C** (Husband's Property) **and/or**
- If you want the court to order that specific property be given to the Wife and the property is already in Wife's possession, check the fourth box and list the property in the second section

on **Exhibit D** (Wife's Property).

- If there is property that the Husband should have given to him which is still in the possession of the Wife, check the third box **and** list the property in the third section on **Exhibit C** (Husband's Property).
- If there is property that the Wife should have given to her which is still in the possession of the Husband, check the fourth box **and** list the property in the third section on **Exhibit D** (Wife's Property).

Note: The Decree of Divorce can be used to transfer titles or deeds; but only if the description of the property is first listed in the Complaint and is complete and accurate (example: for vehicles, include all identifying information on the title; for real property, include a legal description of the property from the deed and not just the residential address of the property).

Paragraphs 14, 15 and 16 Reminder:
If you have listed any property on **Exhibit C** or **Exhibit D**, the Exhibits must be attached (stapled) to every copy of the Complaint. Initial and date the Exhibits on the lines at the bottom. Make an extra copy of the Exhibits to attach to the Decree of Divorce.

17. Debts.
Generally, separate debts are debts incurred by either of you prior to marriage, or during marriage if incurred to improve or maintain separate property (see the description of community and separate property above). Community debts are all other debts incurred during marriage.

- If you do not know of any unpaid debts, check the first box **or**
- If there are debts the Husband should be ordered to pay, check the second box and list each creditor.
- If there are debts the Wife should be ordered to pay, check the third box and list each creditor.

Note: If both of you are going to pay a part of the same debt, also put in the amount each of you should be ordered to pay.

Note: A divorce is between you and your spouse. Your debts are between you and your creditors and if a bill doesn't get paid, the creditor may be able to collect from either of you, especially if both of your names are on a loan contract. However, if the debt is listed in the divorce papers and either of you is assigned and ordered to pay a debt and does not make payment, the other party may have some remedy before the court; however, if the bill doesn't get paid, the creditor may be able to collect from either of you.

18. Debts Incurred Since Separation.
If you want the judge to order that each party will pay any debt incurred by them after the separation date, check the box and fill in the date you stopped living together.

19. Name Change.
Check the box if either party wants to stop using the last name of the spouse and go back to

using their former last name (any name legally used). Fill in the current name of the person wanting the name change and fill in the former last name. (Accurate spelling is very important.) **Signature**: Leave the spaces for the State and County blank. Go to an office where there's a Notary. Have the notary fill in the spaces. Sign the Complaint in front of the Notary and have your signature notarized.

Make two more copies of the Complaint with Exhibits attached.

Continue referring to CAO D Instruction 1-1, "Filing for Divorce," for complete instructions to file your Complaint.

_____
Full Name of Party Filling This Document

_____
Mailing Address (Street or Post Office Box)

_____
City, State and Zip Code

_____
Telephone Number

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____, Plaintiff, vs. _____, Defendant.	Case No. _____ AMENDED COMPLAINT FOR DIVORCE Fee Category: F.1. Filing Fee: $_____

The Plaintiff says:

1. <u>Residence of the Parties</u>. I am now and have been a resident of the state of Idaho for at least six (6) full weeks prior to the filing of this action. Defendant is currently a resident of the State of _____.

2. <u>Marriage of the Parties.</u> The parties were married at *(city)*_____, *(state)*_____ on *(month, day, year)* _____, and are still Husband and Wife.

3. <u>Grounds for Divorce.</u> Irreconcilable differences exist between the parties.

4. <u>Minor Child/ren of the Parties.</u> The following child/ren under the age of 18 years, or 19 years and still pursuing a high school education, was/were born to or adopted by the parties:

Name	Date of Birth	Addresses for last 5 years *(beginning with most recent place)*

[ ] Wife is not now pregnant.

[ ] Wife is now pregnant with a child expected to be born _____.

5. UCCJEA Jurisdiction. This court has jurisdiction to determine custody of our child/ren pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, Idaho Code § 32-11-101, et seq., because each child has resided in Idaho for at least six consecutive months before the filing of this Complaint or for their entire life if they are less than six months of age.

a. [ ] I have not participated as a party or witness, in any other case involving our child/ren. **or**

[ ] I have participated as a party or witness in the following case involving our children (provide all specifics including the parent's name, the state, the court, the case number and the date of the child custody order, if any): _____

_____.

b. [ ] I do not know of any other case that could affect our child/ren. **or**

[ ] I know of the following court case that could affect our child/ren (provide all specifics including the parent's name, the state, the court, the case number and the nature of the proceeding): _____

_____

_____.

c. [ ] Other than the parents, no one claims custody or visitation rights with our child/ren. **or**

[ ] In addition to the parents, the following person/s claim custody or visitation for our child/ren (list names and addresses): _____

_____

d. [ ] Our child/ren live(s) only with both parents. **or**

[ ] If our child/ren lives(s) with someone other than a parent, the name(s) and present address(es) of the person(s) with whom our child/ren live(s) is/are:

_____

_____.

6. Legal Custody.

[ ] Both parties are fit persons to act as parents. It is in the best interest of our child/ren that we be awarded joint legal custody. **or**

[ ] It is in the best interest of our child/ren that _____ be awarded sole legal custody of the child/ren because

_____

_____

_____

_____.

7. Physical Custody.

[ ] It is in the best interest of our child/ren that we be awarded joint physical custody of our child/ren on the terms and according to the Parenting Plan, which is attached as **Exhibit A. or**

[ ] _____ should be awarded sole physical custody of our child/ren because _____

_____

_____

_____.

[ ] _____ should spend time with our child/ren as follows: _____

_____

_____.

8. Child Support.

[ ] Child support has already been ordered in a case filed by the State of Idaho, Department of Health and Welfare, as shown by the attached Order, **Exhibit B. or**

[ ] Child support should be paid by _____ in the total amount of $_____ per month based on the Idaho Child Support Guidelines, according to the Affidavit Verifying Income and child support worksheet(s) attached as **Exhibit B**. The total amount includes: Base child support in the amount of

$_____

[ ] Work-related childcare expenses in the amount of $_____
[ ] Medical, dental, and/or optical insurance premiums allocated in the amount of $_____
[ ] Tax benefits allocated in the amount of $_____

Child support payments should begin on the twentieth (20th) day of the month after the Decree of Divorce is signed and continue to be paid on the 20th day of each following month until the child/ren for whom support is being paid reach/es the age of eighteen. If a child for whom support is being paid continues his/her high school education after reaching the age of eighteen (18) years, child support payments should continue until the child discontinues his/her high school education or reaches the age of nineteen (19) years, whichever is sooner. Payment should be made payable to the Department of Health and Welfare and sent to **Idaho Child Support Receipting, P.O. Box 70008, Boise, ID 83707-0108.**

[ ] We have more than one minor child. If this child support order has not been modified, when one child is no longer entitled to support, child support for the remaining child/ren should continue in the total amount of $_____ per month; when two children are no longer entitled to support, child support for the remaining child/ren should continue in the total amount of $_____ per month; when three children are no longer entitled to support, child support for the remaining child should continue in the total amount of $_____ per month.

[ ] **Extended Visits:** Our child/ren live/s in the home of one parent at least 75% of the time.

[ ] When the parent paying child support has physical custody of the child/ren for 14 or more overnights in a row, the amount of base child support should be reduced for that period of time; however, visitation of two overnights or less with the other parent should not eliminate the reduction of base child support during extended visits. The child support reduction for the period of the actual physical custody should be [ ] 50% **or** [ ]_____% of the base child support obligation. The reduction should be subtracted from the child support payment due the next month.

[ ] If the parent paying child support has physical custody of some but not all of the children for a period of 14 overnights in a row, before a reduction is made, the base child support obligation should first be divided by the number of children under 18 years of age. The reduction for the paying parent should only apply to the base child support thus allocated to the children in that parent's custody.

(Example: Parent has 3 of 4 children for 14 overnights. $300/mo. base support payment divided by 4 children = $75 per child per month divided by 30 = $2.50 per day per child x 14 = $35.00 x 3 for 3 children = $105.00. Reduction = 50% of $105 or $52.50.)

NOTICES

The court shall order income withholding in all child support orders. Income withholding shall be enforced by a withholding order issued to the paying parent's employer without additional notice to the paying parent, according to Idaho Code Section 32-1204.

The support order can also be enforced by license suspension or the filing of a lien upon all real and personal property of the paying parent.

9. <u>Medical Insurance.</u>

[ ] _____ is/are currently providing health insurance for the minor child/ren and should continue to do so, so long as it is reasonably available through that parent's employment. If such insurance becomes unavailable to the parent currently providing insurance, the parent first reasonably able to obtain group health insurance through employment should do so. **or**

[ ] Neither parent is currently providing health insurance for the child/ren. The parent first reasonably able to obtain group health insurance through employment should do so.

or

[ ] The child/ren participate in the Children's Health Insurance Program. The parent first reasonably able to obtain group health insurance through employment should do so.

[ ] The total child support amount does not include any actual cost paid by either parent for health insurance premiums for the child/ren. That cost, whether being paid now or incurred in the future, should be prorated between the parents in proportion to their Guidelines income. Father should pay _____ % and Mother should pay _____ %. The payment should be in addition to the base child support award and promptly paid directly between the parents.

Where medical insurance is provided, each parent should be ordered to provide the other with all medical insurance information necessary to obtain health care and process insurance claims for the child/ren. Insurance proceeds should be applied first to unpaid medical bills and then to reimburse the paying parent for any prepaid medical costs. Both parents should be ordered to sign any needed document that provides continuing health care for the child/ren.

Notice

Failure to provide medical insurance coverage may result in the direct enforcement of a medical support order by either the obligee (party or parent other than the parent ordered to carry or provide a health benefit plan for the parties' minor child/ren) or the Department of Health and Welfare. A national medical support notice will be sent to your employer, requiring your employer to enroll the child in a health benefit plan as provided by Sections 32-1214A through 32-1214J, Idaho Code, and applicable rules of the department.

10. Health Care Costs. The actual cost paid by either parent for health care expenses for the child/ren not covered or paid in full by insurance, including, but not limited to, orthodontic, optical and dental, should be prorated between the parents. Father should pay _____ % and Mother should pay _____ %. These payments should be in addition to the base child support award and be promptly paid directly between the parents.

Any health care for the child/ren (whether denominated as psychiatric, psychological, special education, addiction treatment, or counseling in any form, and including regular medical or dental care), whether or not covered by insurance, that would result in an actual out-of-pocket expense of over $500 to the parent who did not incur or consent to the expense, must be approved in advance, in writing, by both parents or by prior court order. (***Note:*** *The court may consider whether consent for out-of-pocket expenses in excess of $500 was unreasonably requested or withheld and order payment of the incurred expense in some percentage other than the Guidelines Income*.)

11. [ ] **Work-Related Child Care Costs.** The total child support amount does not include work-related child care costs. The actual net out-of-pocket costs for work-related child care should be paid _____% by Father and _____% by Mother.

[ ] Payment should be made directly to the child care provider by both parents according to arrangements made with the care provider. If one parent pays the child care provider any portion of the other parent's share of costs, the non-paying parent should reimburse the paying parent within 10 days after the paying parent provides a copy of the invoice and receipt for the payment.

12. Income Tax Exemption. The state and federal dependency tax exemption(s) for the parties' minor child/ren should be assigned as follows: _____

_____

_____.

The parent not receiving the exemption(s) should sign the required Internal Revenue Service form(s) to release the claim to the exemption(s).

13. Wife's Child/ren, Born or Conceived During this Marriage.

[ ] None.

[ ] Wife is now pregnant with a child expected to be born _____; however, Husband is not the father of the Wife's child.

[ ] The following child/ren was/were born to Wife during the marriage; however,

Husband is not the father of the children: *(write full name(s) and date(s) of birth)* _____

_____

14. <u>Separate Property</u>. (Land and/or Personal Property)

[ ] None.

[ ] Prior to or during the marriage, the Husband acquired the separate property listed on the attached **Exhibit C**. That property should be confirmed as the Husband's separate property. Wife should be ordered to return to Husband any such property in Wife's possession.

[ ] Prior to or during the marriage, the Wife acquired the separate property listed on the attached **Exhibit D**. That property should be confirmed as the Wife's separate property. Husband should be ordered to return to Wife any such property in Husband's possession.

15. <u>Community Real Property</u>. (Land) During the marriage, the Wife and Husband acquired:

[ ] no community real property.

[ ] community real property located at *(address)* _____, in the City of _____, County of _____, State of Idaho. This real property is described in the deed as follows:

_____

_____

_____.

The real property described above should be:

[ ] ordered sold and the net proceeds divided _____% to the Wife and _____% to the Husband. **or**

[ ] awarded to the Wife, subject to any liens, and the Husband should be ordered to convey his interest in the property to the Wife when she pays him $_____ for his equity in the property. **or**

[ ] awarded to the Husband, subject to any liens, and the Wife should be ordered to convey her interest in the property to the Husband when he pays her $_____ for her equity in the property. **or**

[ ] _____

_____

_____

_____

_____.

16. <u>Community Personal Property.</u> During the marriage, the Wife and Husband acquired:

[ ] no community personal property. **or**

[ ] community personal property they have already divided. The property should be awarded to the party who presently has possession.

[ ] community personal property listed on **Exhibit C** and/or **D**. It would be just and equitable for the court to award to the Husband, as his sole and separate property, the community property described in **Exhibit C**.

[ ] community personal property listed on **Exhibit C** and/or **D**. It would be just and equitable for the court to award to the Wife, as her sole and separate property, the community property described in **Exhibit D**.

The court should order each party to deliver to the other any of the community personal property currently in his/her possession that is awarded to the other party. The court should also order each party to execute and deliver any documents necessary to effectuate the property division.

17. <u>Debts</u>.

[ ] The Plaintiff has no knowledge of any unpaid debts. **or**

[ ] It would be fair and equitable for the court to order the Husband to pay the following debts as or before they become due and to order the Husband to hold the Wife harmless for any further liability concerning these debts: (*List each creditor*)

[ ] It would be fair and equitable for the court to order the Wife to pay the following debts as or before they become due and to order the Wife to hold the Husband harmless for any

further liability concerning these debts: (*List each creditor*)

18. [ ] **Debts Incurred Since Separation.** The parties have been separated since *(date)* _____. It would be fair and equitable for the court to order that each party will assume any debt incurred by that party since the date of separation. The court should order each party to pay those debts as or before they become due and to hold the other party harmless from any obligation concerning those debts.

19. [ ] **Name Change.** _____ should be restored to the former last name of _____.

VERIFICATION: I swear I have read this Complaint and state that all facts included are true.

WHEREFORE, I ask the Court to enter the orders requested above.

DATE _____, 20___.

_____
Signature of Plaintiff

SUBSCRIBED AND SWORN to before me this _____day of _____, _____.

_____
Notary Public for Idaho
Residing at: _____
My Commission expires: _____

REMOVE THIS PAGE AND

Attach (staple) and Mark as "EXHIBIT A":

PARENTING PLAN

Attach (staple) and Mark as "EXHIBIT B":

CHILD SUPPORT ORDER FROM OTHER CASE

or

AFFIDAVIT VERIFYING INCOME
and
CHILD SUPPORT WORKSHEET(s)

If you have listed property,

Attach (staple) EXHIBIT C, HUSBAND'S PROPERTY

and/or

Attach (staple) EXHIBIT D, WIFE'S PROPERTY

HUSBAND'S SEPARATE PROPERTY
(Describe each item, including a legal description for real property)

PERSONAL COMMUNITY PROPERTY IN HUSBAND'S POSSESSION TO BE AWARDED TO HUSBAND
(Describe each item)

PERSONAL COMMUNITY PROPERTY IN WIFE'S POSSESSION TO BE AWARDED TO HUSBAND
(Describe each item)

WIFE'S SEPARATE PROPERTY
(Describe each item, including a legal description for real property)

PERSONAL COMMUNITY PROPERTY IN WIFE'S POSSESSION TO BE AWARDED TO WIFE
(Describe each item)

PERSONAL COMMUNITY PROPERTY IN HUSBAND'S POSSESSION TO BE AWARDED TO WIFE
(Describe each item)

_____ _____
Initials Date

EXHIBIT D